IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WA.No. 1437 of 2007

AGAINST THE ORDER IN WP(C).7039/2006 Dated 13/06/2007

APPELLANTS: PETITIONERS:

1. P.A. THOMAS, S/O. IYPE,
   PUTHENPURAKKAL HOUSE, EDAPATTA, MELATTOOR,
   MALAPPURAM DISTRICT.

2. K.V.THOMAS, S/O. VARKEY,
   KUNNINMEL HOUSE, PATHIRIKODE, MELATTOOR,
   MALAPPURAM DISTRICT.

3. K.M.MATHEW, S/O.MATHAI,
   KOCHUKANJIRATHINGAL HOUSE, PATHIRIKODE,
   MELATTOOR, MALAPPURAM DISTRICT.

4. P. GEORDI, S/O. POULOSE,
   POOTHARAMANNIL HOUSE, PATHIRIKKODE,
   MELATTOOR, MALAPPURAM DISTRICT.

5. GEORGE MATHEW P.M., S/O. MATHEW,
   PUTHANPURAKKAL HOUSE, EDAPATTA, MELATTOOR,
   MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: RESPONDENTS/ADDL.R4:

1. THE KERALA KHADI AND
   VILLAGE INDUSTRIES BOARD, TRIVANDRUM,
   REPRESENTED BY ITS SECRETARY.

2. THE DEPUTY TAHSILDAR (R.R),
   PERINTHALMANNA, MALAPPURAM DISTRICT.

3. MELATTOR BEE KEEPERS VILLAGE INDUSTRIAL CO-OPERATIVE SOCIETY LTD. NO.KVIND (M) NO.28, EDAPATTA, MALAPPURAM DISTRICT, REPRESENTED BY ITS ADMINISTRATOR.

4. THE DIRECTOR OF VIGILANCE, THIRUVANANTHAPURAM.

STANDING COUNSEL OF KHADI BOARD SRI.K.P.HARISH

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 1437 OF 2007

Dated this the 21st June, 2007

JUDGMENT

H.L.DATTU, C.J.

Aggrieved by the interim order passed by this Court in W.P.(C) No.7039 of 2006 dated 13th June, 2007, the Directors of a co-operative society are before us in this appeal.

2. By the impugned order, the learned single Judge has thought it fit that an enquiry should be conducted into the affairs of the third respondent society. Therefore, the learned Judge has ordered the Director of Vigilance to depute an investigating officer to conduct an enquiry into the financial affairs of the third respondent society and file a report before Court within three months.

3. The learned Judge also has observed in the order, that whatever amounts due to the first respondent Khadi Board could be recovered from the personal security bonds executed by the Directors of the society.

4. Aggrieved by the aforesaid two directions, the petitioners in the writ petition have filed this appeal before us.

5. At the time of hearing of the writ appeal, the learned counsel appearing for the appellants very fairly submits that the appellants would not shy away from facing a vigilance enquiry, but would submit

that during the pendency of the enquiry, recovery proceedings initiated by the third respondent need not be continued.

6. It is an admitted fact that the appellants were the Directors of the third respondent society. They had executed personal bonds guaranteeing for repayment of amounts due to the first respondent Khadi Board. Now the third respondent society has become defunct and it is now being managed by the Administrator appointed by the State Government. Since the Directors are the guarantors for repayment of the amounts due to the first respondent Khadi Board, in our opinion, the learned Judge was justified in directing the amounts to be paid by the appellants during the pendency of the writ petition.

7. Having gone through the pleadings and having seen the orders passed by the learned single Judge, we feel that the learned single Judge has not committed any error which would call for our interference in this writ appeal. Therefore, the writ appeal is dismissed.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/